

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES CHAMBERS,)	
)	
Petitioner,)	
)	
v.)	No. 4:13CV2212 RLW
)	
JAY CASSADY, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner Charles Chambers’ Motion for Certificate of Appealability (ECF No. 33) and Motion for Leave to Appeal In Forma Pauperis (ECF No. 35).

On January 19, 2017, this Court entered an order denying Mr. Chambers’ Petition for a Writ of Habeas Corpus. (ECF No. 31) The order further denied Petitioner a certificate of appealability. “A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right” and has “indicate[d] which specific issue or issues satisfy the showing required” 28 U.S.C. § 2253(c)(2) & (3). Further, “the habeas petitioner ‘must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.’” *Randolph v. Kemna*, 276 F.3d 401, 403 n.1 (8th Cir. 2002) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983) (citations omitted)). As the Court concluded in its Memorandum and Order of January 19, 2017, Petitioner has not met this standard. Thus, Petitioner’s Motion for Certificate of Appealability will be denied.

Petitioner also seeks leave to proceed in forma pauperis. Upon review of the record, the Court notes that Petitioner was previously found to be financially unable to pay the filing fee in


this Court. (ECF No. 7) Therefore, the Court will grant Petitioner's motion to appeal in forma pauperis.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Certificate of Appealability (ECF No. 33) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Leave to Appeal In Forma Pauperis (ECF No. 35) is **GRANTED**.

Dated this 9th day of February, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE